

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

In re:) MDL No. 1456	
) Civil Action No. 01-12257-PBS	
)	
PHARMACEUTICAL INDUSTRY) Subcategory No. 06-11337	
AVERAGE WHOLESALE PRICE)	
LITIGATION)	
_____)	
)	
THIS DOCUMENT RELATES TO:)	
<i>United States of America ex rel. Ven-A-Care of</i>)	Judge Patti B. Saris
<i>the Florida Keys, Inc., by and through its principal</i>)	
<i>officers and directors, Zachary T. Bentley and</i>)	
<i>T. Mark Jones v. Actavis Mid Atlantic LLC, et al.)</i>)	
Civil Action No. 08-cv-10852)	

**STIPULATION OF DISMISSAL WITH PREJUDICE OF ALL CLAIMS AGAINST
MYLAN AND MOTION FOR ORDER OF DISMISSAL WITH PREJUDICE**

The above-captioned matter is an action brought under the *qui tam* provisions of the federal False Claims Act, 31 U.S.C. §§ 3729-3733, by Relator Ven-A-Care of the Florida Keys, Inc. (the "Relator") against Mylan Inc. (f/k/a Mylan Laboratories Inc.), Mylan Pharmaceuticals Inc. and Mylan Institutional Inc. (f/k/a UDL Laboratories, Inc.) (foregoing three collectively, "Mylan") (Mylan together with Relator collectively the "Parties").

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the *qui tam* provisions of the federal False Claims Act, 31 U.S.C. § 3730(b) (1), and in accordance with the terms of the Settlement Agreement and Release, the Parties hereby stipulate to the entry of an order dismissing with prejudice all remaining claims alleged against Mylan in the above-captioned action pursuant to, and as limited by, the Settlement Agreement and Release attached hereto as Exhibit A.

The Parties further stipulate that any claim the Relator or its counsel has to a Relator's share or for expenses, attorneys' fees, and costs shall not be the responsibility of Mylan.

WHEREFORE, to permit them to effectuate the terms of their settlement, pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the *qui tam* provisions of the federal False Claims Act, 31 U.S.C. § 3730(b)(1), the Parties respectfully request that the Court enter an order in the form attached hereto as Exhibit B.

Respectfully submitted,

/s/ James J. Breen
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Counsel for Mylan

Dated: February 27, 2012

CERTIFICATE OF SERVICE

I hereby certify that true and accurate copies of the foregoing document, filed this 27th day of February, 2012 via the Court's ECF system, will be sent electronically by the ECF system to the registered participants as identified on the Notice of Electronic Filing (NEF) and to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

/s/ James J. Breen
JAMES J. BREEN